

ANNEXATION:
ELECTIONS:
CITIES:
ELECTION COMMISSIONERS:
KANSAS CITY:
CONSTITUTIONAL CHARTER CITIES:

Kansas City Board of Election Commissioners may not accept registration records of the Jackson County Board of Election Commissioners applicable to persons within an area annexed to Kansas City; but electors must re-register as provided in Section 82.100, RSMo. 1949.



January 30, 1957

Honorable William E. Tipton
Attorney for the Board
Board of Election Commissioners
1331 Locust Street
Kansas City 6, Missouri

Dear Mr. Tipton:

This is in answer to your request for an official opinion from this office which reads as follows:

"On January 1, 1957, an area to the east of the city limits of Kansas City, Missouri will be annexed to said city. In making preparation for this, a question has arisen in regard to registration of voters in an annexed area.

"Jackson County, in which this area is located, has permanent registration of voters under the Jackson County Board of Election Commissioners. On the effective date of the annexation, January 1, 1957, this area will be under the jurisdiction of the Kansas City Board of Election Commissioners, as far as registration and elections are concerned.

"The Board has directed me to request an opinion from you as to whether or not we may accept the registration records of the Jackson County Board, of the persons already registered in the area concerned, or whether we should require these people to re-register in the city."

Chapter 117, RSMo. 1949, and Mo. Cum. Supp. 1955, provides for registration and conduct of elections in Kansas City. Sections 113.490 through 113.870, Mo. Cum. Supp. 1955, provide for registration and conduct of elections within Jackson County outside the limits of Kansas City. In answering this opinion, we shall not quote the long sections involved herein, but merely interpret the meaning of said sections.

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Section 117.300, Mo. Cum. Supp. 1955, provides, among other things, that the registration of voters within Kansas City shall be regulated by the Kansas City Board of Election Commissioners (hereinafter referred to as the Board); and it sets out in detail what is required of and by each applicant for registration. The import of this section is that no resident of Kansas City shall be entitled to vote within said city until he shall appear personally before the Board and register.

Further, what the Board can do and cannot do is set out in detail in Chapter 117, supra. Nowhere does said chapter expressly authorize or by implication authorize the Board to accept the registration records of the Jackson County Board of Election Commissioners of those persons who are within territory annexed by the City of Kansas City, but who were formerly within said county. But rather than base the conclusion of this opinion upon an interpretation of the statutes mentioned above, we call your attention to Section 82.100, RSMo. 1949, which applies to Kansas City, a constitutional charter city, and which answers your question in unequivocal terms. That section reads as follows:

"Whenever, by extension of its territorial limits as aforesaid, new territory is annexed to such city, the lawmaking authorities thereof shall, by ordinance, organize the same into a new ward or wards, or attach the same to some existing ward or wards, long enough before the next ensuing general city election to enable electors in such annexed territory to register, and all other proper steps to be taken according to law, so that the electors of such annexed territory may have full opportunity to register and vote at such election. Actual residents of any territory at the time of the annexation thereof, as aforesaid shall, if otherwise qualified, be qualified electors of such city, and be eligible to any office therein at the next general city election following such annexation."

This section provides that where territory is annexed to such city, the city is directed to see that registration is completed in time to enable the electors in the annexed territory to vote at the next ensuing city election. The last sentence of this section provides that actual residents of the territory at the time of annexation, if otherwise qualified (and this refers back to their being registered), shall be entitled to vote at the next general city election following the annexation. We hold that this would apply to a special election as well as a general election.

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CONCLUSION

It is therefore the opinion of this office that the Kansas City Board of Election Commissioners may not accept the registration records of the Jackson County Board of Election Commissioners of persons within an area annexed by Kansas City; but the Board must require the voters of the annexed area to re-register as provided in Section 82.100, RSMo. 1949, and in the manner they are directed in Chapter 117, supra.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, George E. Schaaf.

Yours very truly,

JOHN M. DALTON
Attorney General

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